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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,293	01/21/2000	Dirk A. Krieger	A-67845/JAS	5656

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MOSER , PATTERSON & SHERIDAN, LLP  
350 CAMBRIDGE AVENUE  
SUITE 250  
PALO ALTO, CA 94306-4036

EXAMINER

GONZALEZ, JULIO C

ART UNIT	PAPER NUMBER
	2834

DATE MAILED: 07/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/489,293	KRIEGER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Julio C. Gonzalez	2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 22 April 2003.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-9 and 11-18 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-9 and 11-18 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on 22 April 2003 is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)      4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)      5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ .      6) Other: \_\_\_\_\_ .

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 and 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oku in view of Moritan et al and Kunze et al.

Oku discloses a spindle motor for use in a disc drive comprising a shaft 20, a sleeve surrounding the shaft and adjacent the thrust plate 40, a counterplate 42 and supported between upraised axial arms of said sleeve (see figure 1).

Also, the shaft is fixed and the sleeve and counterplate rotate relative to the shaft. Moreover, the sleeve supports a hub 18 and the counterplate and sleeve are fixed to the base 4.

However, Oku does not disclose that the counterplate is welded to the sleeve.

On the other hand, Moritan et al discloses for the purpose of discharging confined air from the bearing and avoid lubricant leakage that the counter plate 22 can be welded to parts of the motor such as the sleeve 27 (see figure 2a, column 2, lines 9-11).

Moreover, Kunze et al discloses for the purpose of securing effectively a shaft rapidly and reliably in a hole in a metal mounting plate in an axial position that it is well known in the art the use of welding for the advantages it provides. For example, the sleeve 4 is mention to be welded to a plate 1, which may serve as a counterplate (see abstract) & figure 1.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design a spindle motor as disclosed by Oku and to modify the invention by welding the counter plate to the motor for the purpose of discharging confined air from the bearing and avoid lubricant leakage as disclosed by Moritan et al and to further disclose the use of welding a plate to a sleeve for the purpose of securing effectively a shaft rapidly and reliably in a hole in a metal mounting plate in an axial position as disclosed by Kunze et al.

### ***Response to Arguments***

3. Applicant's arguments filed 04/22/03 have been fully considered but they are not persuasive.

The claims are not specific enough as to describe structurally what a counterplate is. For example, claim 1 only mentions that a "counterplate welded to said sleeve and located adjacent the thrust plate". What is a counterplate? Is the counterplate

located above/below the thrust plate? Is it on the base of the motor? As disclosed from the claims, the counterplate would need more physical structure as to define such part.

Moritan et al disclose strong motivations such as obtaining “more height saving configurations”, “achieve precise assembling”, etc (column 2, lines 10, 11, 15-20) for welding parts like plates to sleeve metal. Kunze et al, also teaches that by welding metal sleeves to metal mounting plates, which can be applied to a counterplates, other advantages can be obtain such as getting small disturbing forces exerted on the shaft-bearing bush, “welding does not affect the axial alignment”, “is far more reliable than an adhesive joint ,particularly in the case of large temperature fluctuations” (column 1, lines 57, 61-63; column 1, lines 67- column 2, line 2; column 2, lines 6-12).

7. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., welding parts together to prevent loss of fluid and preventing loss of fluid through a region new closed off by the weld) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification,

limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

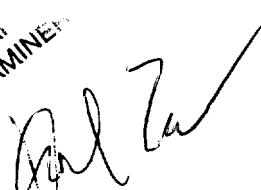
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio C. Gonzalez whose telephone number is (703) 305-1563. The examiner can normally be reached on M-F (8AM-5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

KARI TAMA  
PRIMARY EXAMINER  


Jcg

July 11, 2003